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10 GreenPoint Mortgage Funding, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

10 CARLOSH.PEREZ,individually,andon
11 behalfofthegeneralpublic,

Case No.: 5:08-CV-01972-HRL

**STIPULATION AND PROPOSED
ORDER TO STRIKE PORTIONS OF
FIRST AMENDED COMPLAINT**

Plaintiff

Plaintiff

VS.

14 GMACMORTGAGEUSACORPORATION,
15 a/k/aGMACMORTGAGE,LLC.aDelaware
16 corporation;MORTGAGEELECTRONIC
17 REGISTRATIONSYSTEMS,INC.,a
18 Delawarecorporation;EXECUTIVE
19 TRUSTEESERVICES,LLC,aDelaware
20 limitedliabilitycompany;GREENPOINT
21 MORTGAGEFUNDING,INC.,aNewYork
22 corporation;ANDRUS&ASSOCIATES,
23 INC.,aCaliforniacorporation;PAULRAY
24 ANDRUS,individuallyandinhisofficial
25 capacity;HOMECOMINGSFINANCIAL,
LLC,aDelawarelimitedliabilitycompany;
COUNTRYWIDEHOMELOANS,INC.,a
NewYorkcorporation;SOUTHPACIFIC
FINANCIALCORPORATION,aCalifornia
corporation;RESIDENTIALMORTGAGE
CAPITAL,d/b/aFIRSTSECURITYLOAN,a
Californiacorporation;JAMESJOHN
CHAPMAN,individuallyandinhisofficial
capacity;LUISG.BARRIOS,individuallyand
inhisofficialcapacity;ELIZABETHP.
CAMPOS,individuallyandinherofficial
capacity;andDOESIthrough20,inclusive..

Defendants.

1 Plaintiff and defendant GreenPoint Mortgage Funding stipulate to striking the following
 2 from the First Amended Complaint:

- 3 1. Caption, the words: "and on behalf of general public" ic"
- 4 2. Paragraph 310, the words: "and in his capacity as a private attorney general."
- 5 3. Paragraph 311, the words: "representative of" (line 25); and "group and a
 6 private attorney general on behalf of the general public and another" (lines 25-26).
- 7 4. Paragraph 314, the words: "and another unsophisticated Spanish speaking customers
 8 of the general public" (line 17); "and members of the general public" (line 19); and "and another
 9 members of the general public who were sold home loans by Defendants" (line 22).
- 10 5. Paragraph 316, the words: "and other members of the general public who were
 11 sold home loans by Defendant."
- 12 6. Paragraph 318, the words: "and other members of the general public" (line 8).
- 13 7. Paragraph 319, the words: "and members of the general public" (line 11); "if not
 14 millions" (line 11); "and other members of the general public" (line 12).
- 15 8. Paragraph 320, the words: "and members of the general public" (line 16).

16 IT IS SO STIPULATED.

17 DATED: June 9, 2008

CONSUMER LAW CENTER

19 By: /S/

20 Fred W. Schwinn

21 Attorney for Plaintiff
 Carlos H. Perez

22 DATED: June 9, 2008

23 SEVERSON & WERSON
 24 A Professional Corporation

25 By: /S/

26 Sunny S. Huo

27 Attorneys for Defendant
 28 GreenPoint Mortgage Funding

I hereby attest that I have on file all holographs
 "conformed" signature (/S/) within this filed document.
 signatures for any signatures indicated by a

1 ITISSOORDERED.

2 DATED: _____

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1 Perez,etal.v.GMAC,etal.
 2 CaseNo.:5:08-CV-01972-HRL

3 **PROOFOFSERVICE**

4 I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I
 5 am employed in the City of San Francisco, California a; my business address is Severson &
 6 Werson, One Embarcadero Center, Suite 2600, San Francisco, CA 94111.

7 On the date below I served a copy, with all exhibits, of the following document(s):

8 **STIPULATIONANDPROPOSEDORDERTOSTRIKEPORTIONSOFFIRST
 9 AMENDED COMPLAINT**

10 on all interested parties in said case addressed as follows:

11 John Hockhausler Locke Lord Bissell & Liddell LLP 300 South Grand Avenue Suite 800 Los Angeles, CA 90071	12 Balam O'Letona Law Office of Balam O. Letona, Inc. Suite 203 1347 Pacific Avenue Suite 203 Santa Cruz, CA 95060-3940
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13 **(BY MAIL)** By placing the envelope for collection and mailing following our ordinary
 14 business practices. I am readily familiar with the firm's practice of collecting and processing
 correspondence for mailing. On the same day that correspondence is placed for collection and
 15 mailing, it is deposited in the ordinary course of business with the United States Postal Service in
 San Francisco, California in sealed envelopes with postage fully prepaid.

16 **(BY HAND)** By placing the documents in an envelope or package addressed to the persons
 listed above and providing them to a professional messenger service for delivery.

17 **(BY FEDERAL EXPRESS)** By depositing copies of the above documents in a box or other
 facility regularly maintained by Federal Express without delivery fees paid or provided for.

18 **(BY FAX)** By use of facsimile machine telephone number (415) 956-0439, if a true copy is made to the
 19 addressee(s) listed above at the facsimile number(s) noted after the party's address. The
 20 transmission was reported as complete and within the time limit set forth for the transmission
 21 which was properly issued by the transmitting facsimile machine.

22 I declare under penalty of perjury under the laws of the State of California that the
 foregoing is true and correct. This declaration is executed in San Francisco, California, on June
 23 9, 2008.

24 */S/C.L.Sloan*
 25 C.L.Sloan